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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,498	04/11/2006	Richard William Cammegh	330-030	1482
7590 Anthony R Barkume 20 Gateway Ln Manorville, NY 11949				
EXAMINER				
KLAYMAN, AMIR ARIE				
ART UNIT		PAPER NUMBER		
3711				
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01/30/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/553,498

**Applicant(s)**

CAMMEGH, RICHARD WILLIAM

**Examiner**

AMIR KLAYMAN

**Art Unit**

3711

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 48-72 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 48-72 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 14 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 9/21/06  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Specification***

1. The abstract of the disclosure is objected to because the abstract may not include other parts of the application or other material. The abstract in an application filed under 35 U.S.C. 111 may not exceed 150 words in length. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 48-49, 51, 54-57, 59-60, 62-67, and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mollo US 6047965 in view of Sher US 5755440.

With respect to the claims below, references to the prior art appear in parenthesis.

Regarding claim 48, 54, 55-57, 59-60, 62-63, 65-67, Mollo discloses: gaming apparatus (fig 1, roulette table 1); stationary base (fig 1, table 1); wheel (fig 1, in. 2); peripheral inclined surface (fig 1, surface 34); means to propel the ball (fig 1, "canoes" 39; see fig 2 and col 4, ln 5-30 detailed explanation thereof); air jet positioned at the

outer edge of the ball track (fig 2, air jet 65); air jet in one direction (fig 2 air jet 66); rim (fig 2, within bowl 30); ball stops (fig 1, pockets 54 with means to stop the ball thereon); air control means (fig 5; col 4, ln 45-67& col 5, ln 1-5); predetermined time of blowing air (col 2, ln 50-55& col 4, ln 54-57) plurality of gaming apparatus, (fig 1, field 3 with gaming areas 14-16) however, Mollo, does not disclose: a hole in each pocket with air injection means. Sher discloses: plurality of holes (fig 1, holes 112) with air injection means (fig 2 and col 4, ln 58-67& col 5, ln 1-30). It would have been obvious at the time the invention was made to modify Mollo's roulette wheel and to provide holes with air injections means as taught by Sher, for the reason that a skilled artisan would be motivated to applying a known technique (using air means to inject a roulette wheel ball), to a known device (the roulette wheel), ready for improvement to yield predictable results. Thus, the use of air means to inject the ball is only adding an automatic aspect to the roulette wheel, which is capable of being an automatic wheel. Mollo's roulette wheel is ready to be improved as an automatic roulette wheel (which is well known in the art) and by adding the automatic injection of the ball, it is merely adding another well known automatic element to the entire well known automatic roulette wheel.

With respect to: hole in each pocket. Sher does not disclose: a hole in each pocket. However, it has been held that changing location of parts would not have modified the operation of the device, See *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950). Thus, shifting the air nozzle into each hole would have not change the operation of injecting the ball by air means either from the perimeter holes, as taught by Sher or from each hole as claimed. Furthermore, the court *In re Kuhle*, 526 F.2d 553,

188 USPQ 7 (CCPA 1975) held that the particular placement of a contact in a conductivity measuring device was held to be an obvious matter of design choice. One of ordinary skill in the art would have expected Sher's holes with means to inject the ball, and applicant's invention, to perform equally well with either having the holes on the perimeter as taught by Sher or the claimed holes in each pocket, since both would perform the same function of injecting the ball by air means from different locations. See MPEP 2144.04

Regarding claim 49, 51, 64, Sher discloses: nozzle (fig 2); air means (col 4, ln 58-65); conduit (fig 2, channel 204).

Regarding claim 70, 72, Mollo discloses: a roulette wheel gaming apparatus (see abstract), wherein it is inherent in the game of roulette to follow this method step by an operator, a casino representative.

4. Claims 50, 52-53, 58, 61, 68-69, and 71-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mollo US 6047965 in view of Sher US 5755440 as applied to claim 48 above, and further in view of Castellanos US 4732385.

With respect to the claims below, references to the prior art appear in parenthesis.

Regarding claim 50, 53, 68, the combination of Mollo and Sher does not disclose: means to stop the rotor to align the air nozzle with each pocket, however, Castellanos discloses: means to stop the rotor (fig 1 motor 4A); each hole is aligned (fig 4, detector 10, detector 6, and processor 17, see also col 3, ln 30-67 & col 4, ln 1-15). It would have

been obvious at the time the invention was made to modify the combination of Mollo and Sher to provide an automated means as taught by Castellanos, for the reason that a skilled artisan would be motivated of combining prior art elements according to known methods to yield predictable results. Thus, adding the means to control the roulette wheel, such as motor, detectors, processor, and etc., will result in providing the well known automatic roulette wheel.

Regarding claim 52 the combination of Mollo and Sher discloses: conduits (Sher-fig 2, col 4, ln 58-65), with respect to conduits in each pocket, see examiner reasoning cited in claim 48, however, the combination of Mollo and Sher does not disclose: a plate below the rotor. Castellanos discloses: a plate with plurality of apertures (fig 4, plate 16). It would have been obvious at the time the invention was made to modify the combination of Mollo and Sher and to provide the plate as taught by Castellanos, for the reason cited above and to add another element (the plate) to the automated machinery.

Regarding claim 58, 69, the combination of Mollo and Sher does not disclose: computer control means, however, Castellanos discloses: computer control means (fig 2; col 1, ln 60-67; col 3, ln 30-67& col 4, ln 1-15). It would have been obvious at the time the invention was made to modify the combination of Mollo and Sher as taught by Castellanos for the reason cited above.

Regarding claim 61, the combination of Mollo and Sher does not disclose: an automatic wheel with mechanism means to bet, however, Castellanos discloses: automatic wheel (col 1, ln 10-15 without the use of a casino personal; col 1, ln 60-67 spins of the wheel via motor means 4A); gaming means (fig 2, col 2, ln 25-35). It would

have been obvious at the time the invention was made to modify the combination of Mollo and Sher as taught by Castellanos for the reason cited above.

Regarding claim 71, the combination of Mollo and Sher discloses: operator control (col 1, ln 28-40), however, the combination of Mollo and Sher does not disclose: an automated roulette wheel. Castellanos discloses: an automated wheel (col 1, ln 5-10 without operator; col 1, ln 60-65& fig 1 motor means 4A). It would have been obvious at the time the invention was made to modify the combination of Mollo and Sher as taught by Castellanos for the reason cited above.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patent and published patent application of variant roulette wheels: Matsuno 7311305; Manabe 4869505; Towers 5836583; Herzenberger 4643425; Yokata 2006/0055109; Fenz 5775993; 5588650; Manabe 4989873; Chei 6164647Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMIR KLAYMAN whose telephone number is (571)270-7131. The examiner can normally be reached on Mo. - Fr. (7:30AM-5:00PM). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene KIM can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/AK/

1/28/09

/Gene Kim/

Supervisory Patent Examiner, Art Unit 3711